

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Child Evangelism Fellowship of
South Carolina,

Plaintiff,

vs.

Anderson School District 5,

Defendant.

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C.A. No. 8:04-1866-HMH

OPINION & ORDER

This matter is before the court on remand from the United States Court of Appeals for the Fourth Circuit. On December 15, 2006, the Fourth Circuit held that Anderson County School District Five’s policies governing access to school facilities “exceeds the bounds permitted by the First Amendment.” Child Evangelism Fellowship of South Carolina v. Anderson School Dist. Five, 470 F.3d 1062, 1074 (4th Cir. 2006). As such, the Fourth Circuit reversed the judgment of this court and remanded the case with instructions to refund Child Evangelism Fellowship’s (“CEF”) usage fees, and to award such other relief as the district court determines is appropriate and consistent with the Fourth Circuit’s decision. Id.

It is therefore

ORDERED that CEF's request for permanent injunctive relief enjoining the policies and enjoining the Defendant and the Defendant's officers, agents, employees, and all other persons acting in active concert with them from enforcing the policies is granted. It is further

ORDERED that CEF's request for a declaration that the District's policies are unconstitutional, on their face and as applied, is granted. It is further

ORDERED that CEF's request for a declaration that by enforcing its policies, the District unlawfully obstructed CEF from exercising its constitutionally-protected rights is granted. It is further

ORDERED that the District refund usage fees paid by CEF in the amount of \$1,545.00.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
June 8, 2007